

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.30628 of 2018

1. T.Lingaraj

2. L.Suganthi

3. L.Gopinath

... Petitioners

-Vs-

State rep. by  
The Inspector of Police,  
T6, Avadi Police Station, Chennai.

.... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the respondent not to harass the petitioner.

For Petitioners : Mr.M.Aswin

For Respondent : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioners.

2. Heard learned counsel appearing for the petitioners and learned Government Advocate(Crl.side) for the respondent.

3. The learned Government Advocate(Crl.side) appearing for the respondent police submits that on the complaint given against the petitioners, petition enquiry is pending in C.S.R. No.2148 of 2018 on the file of the respondent police.

4. The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners on a regular basis in the guise of enquiry without even registering an FIR and Supreme Court of India in Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353 has enumerated the nature of cases where

preliminary enquiry can be conducted and has also restricted the period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr/ub

To

1. The Inspector of Police,  
T6, Avadi Police Station, Chennai.
2. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.Aswin, Advocate, S.R.No. 1533

Cr1.O.P.No.30628 of 2018

RSV(CO)  
GN(30/01/2019)

सत्यमेव जयते

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